

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMIE TEICHMAN,

Defendant.

Case No. 2:10-CR-00313-KJD-PAL

ORDER

Before the Court is Defendant Jamie Teichman's Motion to Withdraw Guilty Plea (#41). The United States of America (the "Government") filed its Response opposition (#43) to which Defendant filed a Reply (#44).

I. Background

Defendant entered into a plea agreement with the Government and a Plea Memorandum was filed on July 20, 2010. On March 18, 2011 Defendant filed a motion to continue his sentencing hearing. On May 11, 2011, Defendant was sentenced to thirty-three (33) months imprisonment and five (5) years supervised release.

Defendant contends that the Government acted in bad faith by opposing his Motion to Continue before fully evaluating Defendant's assistance and failing to factor in a full evaluation of Defendant's cooperation when moving for a downward departure. Additionally, Defendant contends

1 that the Government acted in bad faith by making an allegedly false representation at the sentencing
2 hearing.

3 II. Analysis

4 Fed. R. Crim. P 11(e) provides that “[a]fter the court imposes sentence, the defendant may
5 not withdraw a plea of guilty or nolo contendere, and the plea may be set aside only on direct appeal
6 or collateral attack.” See also U.S. v. Baker, 790 F.2d 1437, 1438 (9th Cir. 1986) (after sentencing,
7 district court lacks jurisdiction to entertain a motion to set aside a plea).

8 This Court sentenced Defendant on May 11, 2011 and Defendant filed a direct appeal on May
9 20, 2011. Accordingly, this Court lacks jurisdiction to hear this Motion.

10 III. Conclusion

11 **IT IS HEREBY ORDERED** that Defendant’s Motion Withdraw Guilty Plea (#41) is
12 **DENIED.**

13 DATED this 29th day of July 2011.

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16 Kent J. Dawson
17 United States District Judge
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